

NORMAN MEDLEY,

Plaintiff,

vs.

KEITH SORRELL,

Defendant.

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Case No. 1:07-CV-0013 TCM

Although plaintiff has filed a motion for leave to proceed in forma pauperis, he has not submitted a certified copy of his prisoner account statement. He has merely submitted what appears to be a receipt from the jail's commissary [Doc. #3]. Pursuant to 28 U.S.C. § 1915(a)(2), "[a] prisoner seeking to bring a civil action . . . without payment of fees . . . shall submit a certified copy of the trust fund account statement . . . obtained from the appropriate prison official." Because the plaintiff is within the custody of the Cape Girardeau County Sheriff's Department, he is a prisoner within the meaning of the Act. See 28 U.S.C. § 1915(h). Therefore, the Court will order plaintiff to submit a certified copy of his inmate trust fund account statement in order to be granted leave to proceed without payment of the filing fee.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **HELD IN ABEYANCE**.

IT IS FURTHER ORDERED that plaintiff shall file a certified copy of his inmate trust fund account statement for the six month period immediately preceding the filing of his complaint on January 22, 2007.

IT IS FURTHER ORDERED that if applicant fails to submit a certified copy of his inmate trust fund account statement within thirty (30) days, the Court will dismiss this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that if plaintiff submits his inmate trust fund account statement within thirty days, the Clerk shall resubmit this action for review under 28 U.S.C. § 1915.

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 29th day of March, 2007.